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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Carlos Manuel Camarena Martinez,
Plaintiff,

v.

Maricopa County, et al.,
Defendants.

No. CV-24-02233-PHX-JAT(JZB)

ORDER

Plaintiff Carlos Manuel Camarena Martinez, who is confined in Lower Buckeye Jail in Maricopa County, has filed a pro se civil rights Complaint¹ (Doc. 1) and an Application to Proceed In Forma Pauperis (Doc. 2). The Court will grant the Application to Proceed and dismiss the Complaint with leave to amend.

I. Application to Proceed In Forma Pauperis and Filing Fee

The Court will grant Plaintiff's Application to Proceed In Forma Pauperis. 28 U.S.C. § 1915(a). Plaintiff must pay the statutory filing fee of \$350.00. 28 U.S.C. § 1915(b)(1). The Court will assess an initial partial filing fee of \$10.07. The remainder of the fee will be collected monthly in payments of 20% of the previous month's income credited to Plaintiff's trust account each time the amount in the account exceeds \$10.00.

¹ Plaintiff alleges the Court has jurisdiction pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971). Because Plaintiff is only suing state actors, the Court will construe Plaintiff's claims as having been asserted pursuant to 42 U.S.C. § 1983. See *Martin v. Sias*, 88 F.3d 774, 775 (9th Cir. 1996) ("Actions under § 1983 and those under Bivens are identical save for the replacement of a state actor under § 1983 by a federal actor under Bivens." (quoting *Van Strum v. Lawn*, 940 F.2d 406, 409 (9th Cir. 1991))).

1 28 U.S.C. § 1915(b)(2). The Court will enter a separate Order requiring the appropriate
 2 government agency to collect and forward the fees according to the statutory formula.

3 **II. Statutory Screening of Prisoner Complaints**

4 The Court is required to screen complaints brought by prisoners seeking relief
 5 against a governmental entity or an officer or an employee of a governmental entity. 28
 6 U.S.C. § 1915A(a). The Court must dismiss a complaint or portion thereof if a plaintiff has
 7 raised claims that are legally frivolous or malicious, fail to state a claim upon which relief
 8 may be granted, or seek monetary relief from a defendant who is immune from such relief.
 9 28 U.S.C. § 1915A(b)(1)–(2).

10 A pleading must contain a “short and plain statement of the claim *showing* that the
 11 pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2) (emphasis added). While Rule 8 does
 12 not demand detailed factual allegations, “it demands more than an unadorned, the-
 13 defendant-unlawfully-harmed-me accusation.” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009).
 14 “Threadbare recitals of the elements of a cause of action, supported by mere conclusory
 15 statements, do not suffice.” *Id.*

16 “[A] complaint must contain sufficient factual matter, accepted as true, to ‘state a
 17 claim to relief that is plausible on its face.’” *Id.* (quoting *Bell Atlantic Corp. v. Twombly*,
 18 550 U.S. 544, 570 (2007)). A claim is plausible “when the plaintiff pleads factual content
 19 that allows the court to draw the reasonable inference that the defendant is liable for the
 20 misconduct alleged.” *Id.* “Determining whether a complaint states a plausible claim for
 21 relief [is] . . . a context-specific task that requires the reviewing court to draw on its judicial
 22 experience and common sense.” *Id.* at 679. Thus, although a plaintiff’s specific factual
 23 allegations may be consistent with a constitutional claim, a court must assess whether there
 24 are other “more likely explanations” for a defendant’s conduct. *Id.* at 681.

25 But as the United States Court of Appeals for the Ninth Circuit has instructed, courts
 26 must “continue to construe *pro se* filings liberally.” *Hebbe v. Pliler*, 627 F.3d 338, 342 (9th
 27 Cir. 2010). A “complaint [filed by a *pro se* prisoner] ‘must be held to less stringent
 28 standards than formal pleadings drafted by lawyers.’” *Id.* (quoting *Erickson v. Pardus*, 551

1 U.S. 89, 94 (2007) (per curiam)).

2 If the Court determines that a pleading could be cured by the allegation of other
3 facts, a pro se litigant is entitled to an opportunity to amend a complaint before dismissal
4 of the action. *See Lopez v. Smith*, 203 F.3d 1122, 1127–29 (9th Cir. 2000) (en banc). The
5 Court will dismiss Plaintiff’s Complaint for failure to state a claim, but because it may
6 possibly be amended to state a claim, the Court will dismiss it with leave to amend.

7 **III. Complaint**

8 In his two-count Complaint, Plaintiff names as Defendants Maricopa County,
9 former Maricopa County Sheriff Russell Skinner, Acting Jail Commander Patrick King,
10 and Maricopa County Sheriff’s Office (MCSO) Jail Officials/Detention Officers Jane/John
11 Does 1–15. Plaintiff seeks monetary damages and “that any claims and complaints are
12 dismissed with prejudice.”

13 In **Count One**, Plaintiff raises a claim under the Eighth and Fourteenth
14 Amendments regarding the implementation of an “unconstitutional policy.” Plaintiff
15 contends he filed a grievance, and a non-party sergeant “closed” his complaint because it
16 was “not valid” after 72 hours, i.e., that he failed to timely submit it. Plaintiff seeks to have
17 Defendant Maricopa County, “in its entirety,” held “responsible for implementing this
18 unconstitutional policy” that “depriv[ed him] of [his] constitutional rights.”

19 In **Count Two**, Plaintiff raises a claim under the Fourteenth Amendment regarding
20 the implementation of an “unconstitutional policy.” He alleges that “[o]n and about” May
21 25 through May 30, 2024, wastewater flooded the day room in unit T-12-B at the Lower
22 Buckeye Jail. Plaintiff claims that during these five days, “MCSO jail officials served
23 approximately 10 meals to [Plaintiff] and 71 other inmates [containing] food that had been
24 exposed to human feces [and] sewer water.” Plaintiff asserts he and the other 71 inmates²
25 “were instructed to line up for breakfast in the sewer water to receive [their] meal,” and “a
26

27 ² While a non-attorney may represent himself, he has no authority to appear as an
28 attorney for another. *C.E. Pope Equity Trust v. U.S.*, 818 F.2d 696, 697 (9th Cir. 1987).
Thus, Plaintiff cannot seek relief on behalf of the other detainees to the extent that he may
be attempting to do so.

1 couple of times,” the food cart was rolled through the contaminated water so “they” could
 2 serve Plaintiff and the other inmates “through [their] doors.” Plaintiff contends that “under
 3 the order of MCSO officials,” he “and several other inmates had to stack blankets to stop
 4 the flow of water.” According to Plaintiff, “some officers wore masks” because the smell
 5 of the wastewater “was so strong.” Plaintiff alleges that MCSO officials “had fair warning”
 6 about the inmates’ condition during the five days the wastewater flooded the day room and
 7 “did nothing to intervene on [the inmates’] behalf.”

8 **IV. Failure to State a Claim**

9 To prevail in a § 1983 claim, a plaintiff must show that (1) acts by the defendants
 10 (2) under color of state law (3) deprived him of federal rights, privileges or immunities and
 11 (4) caused him damage. *Thornton v. City of St. Helens*, 425 F.3d 1158, 1163-64 (9th Cir.
 12 2005) (quoting *Shoshone-Bannock Tribes v. Idaho Fish & Game Comm’n*, 42 F.3d 1278,
 13 1284 (9th Cir. 1994)). In addition, a plaintiff must allege that he suffered a specific injury
 14 as a result of the conduct of a particular defendant and he must allege an affirmative link
 15 between the injury and the conduct of that defendant. *Rizzo v. Goode*, 423 U.S. 362, 371-
 16 72, 377 (1976).

17 Although pro se pleadings are liberally construed, *Haines v. Kerner*, 404 U.S. 519,
 18 520–21 (1972), conclusory and vague allegations will not support a cause of action. *Ivey*
 19 *v. Bd. of Regents*, 673 F.2d 266, 268 (9th Cir. 1982). Further, a liberal interpretation of a
 20 civil rights complaint may not supply essential elements of the claim that were not initially
 21 pled. *Id.*

22 **A. Doe Defendants**

23 Plaintiff sues unknown Defendants identified as John/Jane Does 1-15, without
 24 separately identifying them or alleging facts to support when, where, and how each
 25 fictitiously identified Defendant violated his constitutional rights. See *Marcilis v. Twp. of*
 26 *Redford*, 693 F.3d 589, 596 (6th Cir. 2012) (upholding dismissal of *Bivens* complaint that
 27 referred to all defendants “generally and categorically” because the plaintiff had failed to
 28 ““allege, with particularity, facts that demonstrate what each defendant did to violate the

1 asserted constitutional right.” (quoting *Lanman v. Hinson*, 529 F.3d 673, 684 (6th Cir.
 2 2008)); *Robbins v. Oklahoma*, 519 F.3d 1242, 1250 (10th Cir. 2008) (“Given the
 3 complaint’s use of either the collective term ‘Defendants’ or a list of the defendants named
 4 individually but with no distinction as to what acts are attributable to whom, it is impossible
 5 for any of these individuals to ascertain what particular unconstitutional acts they are
 6 alleged to have committed.”). Rule 10(a) of the Federal Rules of Civil Procedure requires
 7 the plaintiff to include the names of the parties in the action. As a practical matter, it is
 8 impossible in most instances for the United States Marshal or his designee to serve a
 9 summons and complaint or amended complaint upon an anonymous defendant.

10 The Ninth Circuit has held that where identity is unknown prior to the filing of a
 11 complaint, the plaintiff should be given an opportunity through discovery to identify the
 12 unknown defendants, unless it is clear that discovery would not uncover the identities, or
 13 that the complaint would be dismissed on other grounds. *Wakefield v. Thompson*, 177 F.3d
 14 1160, 1163 (9th Cir. 1999) (citing *Gillespie v. Civiletti*, 629 F.2d 637, 642 (9th Cir. 1980)).
 15 Because Plaintiff fails to allege facts to support when and how each Doe Defendant
 16 violated his constitutional rights, he fails to state a claim against them, and they will be
 17 dismissed.

18 **B. Defendants Skinner and King**

19 Plaintiff also sues former Sheriff Skinner and Jail Commander King. There is no
 20 respondeat superior liability under § 1983, and therefore, a defendant’s position as the
 21 supervisor of persons who allegedly violated Plaintiff’s constitutional rights does not
 22 impose liability. *Monell v. Dept. of Soc. Servs.*, 436 U.S. 658, 689-90 (1978); *Hamilton v.*
 23 *Endell*, 981 F.2d 1062, 1067 (9th Cir. 1992); *Taylor v. List*, 880 F.2d 1040, 1045 (9th Cir.
 24 1989). “Because vicarious liability is inapplicable to *Bivens* and § 1983 suits, a plaintiff
 25 must plead that each Government-official defendant, through the official’s own individual
 26 actions, has violated the Constitution.” *Iqbal*, 556 U.S. at 676.

27 Plaintiff has not alleged that Defendants Skinner or King personally participated in
 28 a deprivation of Plaintiff’s constitutional rights, was aware of a deprivation and failed to

1 act, or formed policies that resulted in Plaintiff's injuries. Indeed, Plaintiff alleges no facts
2 against Skinner or King. Thus, the Court will dismiss without prejudice Defendants
3 Skinner and King.

4 **C. Defendant Maricopa County**

5 "A municipality may not be sued under § 1983 solely because an injury was
6 inflicted by its employees or agents." *Long v. County of L.A.*, 442 F.3d 1178, 1185 (9th
7 Cir. 2006). The actions of individuals may support municipal liability only if the
8 employees were acting pursuant to an official policy or custom of the municipality. *Botello*
9 *v. Gammick*, 413 F.3d 971, 978–79 (9th Cir. 2005). A § 1983 claim against a municipal
10 defendant "cannot succeed as a matter of law" unless a plaintiff: (1) contends that the
11 municipal defendant maintains a policy or custom pertinent to the plaintiff's alleged injury;
12 and (2) explains how such policy or custom caused the plaintiff's injury. *Sadoski v.*
13 *Mosley*, 435 F.3d 1076, 1080 (9th Cir. 2006) (affirming dismissal of a municipal defendant
14 pursuant to Fed. R. Civ. P. 12(b)(6)). Plaintiff has failed to allege facts to support that
15 Defendant Maricopa County maintained a specific policy or custom that resulted in a
16 violation of Plaintiff's federal constitutional rights and has failed to explain how any
17 injuries were caused by any municipal policy or custom. Thus, the Court will dismiss
18 without prejudice Defendant Maricopa County.

19 **D. Count One**

20 Plaintiff designates Count One as asserting a violation of due process and the Eighth
21 Amendment based upon allegedly unconstitutional conditions of confinement.

22 To the extent Plaintiff asserts a claim regarding the handling of his grievance, he
23 fails to state a claim. Prisoners do not have "a separate constitutional entitlement to a
24 specific prison grievance procedure." *Ramirez v. Galaza*, 334 F.3d 850, 860 (9th Cir.
25 2003); *see also Mann v. Adams*, 855 F.2d 639, 640 (9th Cir. 1988) ("[t]here is no legitimate
26 claim of entitlement to a grievance procedure"). Accordingly, prisoners cannot bring due
27 process challenges to the processing of their grievances. *See Ramirez*, 334 F.3d at 860;
28 *McRoy v. Roe*, 509 F. App'x 660, 660 (9th Cir. 2013) (affirming dismissal of claims

1 “arising from defendants’ processing of and response to his grievances because prisoners
 2 do not have a ‘constitutional entitlement to a specific prison grievance procedure’”) (quoting *Ramirez*, 334 F.3d at 860). Thus, the Court will dismiss Count One for failure to
 3 state a claim without prejudice.
 4

5 The following standard applies to a detainee’s conditions of confinement claim. A
 6 pretrial detainee has a right under the Due Process Clause of the Fourteenth Amendment
 7 to be free from punishment prior to an adjudication of guilt. *Bell v. Wolfish*, 441 U.S. 520,
 8 535 (1979). “Pretrial detainees are entitled to ‘adequate food, clothing, shelter, sanitation,
 9 medical care, and personal safety.’” *Alvarez-Machain v. United States*, 107 F.3d 696, 701
 10 (9th Cir. 1996) (quoting *Hoptowit v. Ray*, 682 F.2d 1237, 1246 (9th Cir. 1982)). To state
 11 a claim of unconstitutional conditions of confinement against an individual defendant, a
 12 pretrial detainee must allege facts that support:

- 13 (i) the defendant made an intentional decision with respect to
- 14 the conditions under which the plaintiff was confined;
- 15 (ii) those conditions put the plaintiff at substantial risk of
- 16 suffering serious harm; (iii) the defendant did not take
- 17 reasonable available measures to abate that risk, even though a
- 18 reasonable official in the circumstances would have
- 19 appreciated the high degree of risk involved—making the
- consequences of the defendant’s conduct obvious; and (iv) by
- not taking such measures, the defendant caused the plaintiff’s
- injuries.

20 *Gordon v. County of Orange*, 888 F.3d 1118, 1125 (9th Cir. 2018).

21 Whether the conditions and conduct rise to the level of a constitutional violation is
 22 an objective assessment that turns on the facts and circumstances of each particular case.
 23 *Id.*; *Hearns v. Terhune*, 413 F.3d 1036, 1042 (9th Cir. 2005). However, “a de minimis
 24 level of imposition” is insufficient. *Bell*, 441 U.S. at 539 n.21. In addition, the “‘mere lack
 25 of due care by a state official’ does not deprive an individual of life, liberty, or property
 26 under the Fourteenth Amendment.” *Castro v. County of Los Angeles*, 833 F.3d 1060, 1071
 27 (9th Cir. 2016) (quoting *Daniels v. Williams*, 474 U.S. 327, 330-31 (1986)). Thus, a
 28

1 plaintiff must “prove more than negligence but less than subjective intent—something akin
2 to reckless disregard.” *Id.*

3 Plaintiff has not alleged facts to support that any named Defendant made an
4 intentional decision with respect to Plaintiff’s conditions of confinement that put him at
5 substantial risk of serious harm. Plaintiff must do so to state a conditions of confinement
6 claim. While the presence and smell of wastewater was unpleasant, Plaintiff does not
7 allege facts to support that any meals provided to him ever came into contact with the
8 wastewater, or that any named Defendant knew of such contact and that it posed a
9 substantial risk of serious harm to Plaintiff and failed to take measures to abate the harm.
10 Accordingly, Plaintiff also fails to state a claim for unconstitutional conditions of
11 confinement.

12 **E. Count Two**

13 As described above, to state a valid claim under § 1983, a plaintiff must allege that
14 he suffered a specific injury as a result of specific conduct of a defendant and show an
15 affirmative link between the injury and the conduct of that defendant. *See Rizzo v. Goode*,
16 423 U.S. 362, 371–72, 377 (1976). There is no respondeat superior liability under § 1983,
17 and therefore, a defendant’s position as the supervisor of persons who allegedly violated
18 Plaintiff’s constitutional rights does not impose liability. *Monell v. Dep’t of Soc. Servs.*,
19 436 U.S. 658 (1978); *Hamilton v. Endell*, 981 F.2d 1062, 1067 (9th Cir. 1992); *Taylor v.*
20 *List*, 880 F.2d 1040, 1045 (9th Cir. 1989). “Because vicarious liability is inapplicable to .
21 . . § 1983 suits, a plaintiff must plead that each Government-official defendant, through the
22 official’s own individual actions, has violated the Constitution.” *Iqbal*, 556 U.S. at 676.
23 “A plaintiff must allege facts, not simply conclusions, that show that an individual was
24 personally involved in the deprivation of his civil rights.” *Barren v. Harrington*, 152 F.3d
25 1193, 1194 (9th Cir. 1998).

26 Plaintiff fails to connect the facts alleged in Count Two to any named Defendant,
27 and he fails to allege specifically what any named Defendant did that violated Plaintiff’s
28

1 constitutional rights. Accordingly, Plaintiff fails to state a claim in Count Two and it will
2 be dismissed.

3 **V. Leave to Amend**

4 For the foregoing reasons, the Court will dismiss Plaintiff's Complaint for failure to
5 state a claim upon which relief may be granted. Within 30 days, Plaintiff may submit a first
6 amended complaint to cure the deficiencies outlined above. The Clerk of Court will mail
7 Plaintiff a court-approved form to use for filing a first amended complaint. If Plaintiff fails
8 to use the court-approved form, the Court may strike the amended complaint and dismiss
9 this action without further notice to Plaintiff.

10 Plaintiff must clearly designate on the face of the document that it is the "First
11 Amended Complaint." The first amended complaint must be retyped or rewritten in its
12 entirety on the court-approved form and may not incorporate any part of the original
13 Complaint by reference. Plaintiff may include only one claim per count.

14 A first amended complaint supersedes the original Complaint. *Ferdik v. Bonzelet*,
15 963 F.2d 1258, 1262 (9th Cir. 1992); *Hal Roach Studios v. Richard Feiner & Co.*, 896 F.2d
16 1542, 1546 (9th Cir. 1990). After amendment, the Court will treat the original Complaint
17 as nonexistent. *Ferdik*, 963 F.2d at 1262. Any cause of action that was raised in the original
18 Complaint and that was voluntarily dismissed or was dismissed without prejudice is waived
19 if it is not alleged in a first amended complaint. *Lacey v. Maricopa County*, 693 F.3d 896,
20 928 (9th Cir. 2012) (en banc). If Plaintiff files an amended complaint, Plaintiff must write
21 short, plain statements telling the Court: (1) the constitutional right Plaintiff believes was
22 violated; (2) the name of the Defendant who violated the right; (3) exactly what that
23 Defendant did or failed to do; (4) how the action or inaction of that Defendant is connected
24 to the violation of Plaintiff's constitutional right; and (5) what specific injury Plaintiff
25 suffered because of that Defendant's conduct. *See Rizzo v. Goode*, 423 U.S. 362, 371–72,
26 377 (1976).

27 Plaintiff must repeat this process for each person he names as a Defendant. If
28 Plaintiff fails to affirmatively link the conduct of each named Defendant with the specific

injury suffered by Plaintiff, the allegations against that Defendant will be dismissed for failure to state a claim. **Conclusory allegations that a Defendant or group of Defendants has violated a constitutional right are not acceptable and will be dismissed.**

VI. Warnings

A. Release

If Plaintiff is released while this case remains pending, and the filing fee has not been paid in full, Plaintiff must, within 30 days of his release, either (1) notify the Court that he intends to pay the unpaid balance of his filing fee within 120 days of his release or (2) file a non-prisoner application to proceed in forma pauperis. Failure to comply may result in dismissal of this action.

B. Address Changes

Plaintiff must file and serve a notice of a change of address in accordance with Rule 83.3(d) of the Local Rules of Civil Procedure. Plaintiff must not include a motion for other relief with a notice of change of address. Failure to comply may result in dismissal of this action.

C. Possible “Strike”

Because the Complaint has been dismissed for failure to state a claim, if Plaintiff fails to file an amended complaint correcting the deficiencies identified in this Order, the dismissal may count as a “strike” under the “3-strikes” provision of 28 U.S.C. § 1915(g). Under the 3-strikes provision, a prisoner may not bring a civil action or appeal a civil judgment in forma pauperis under 28 U.S.C. § 1915 “if the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).


If Plaintiff fails to timely comply with every provision of this Order, including these warnings, the Court may dismiss this action without further notice. *See Ferdik*, 963 F.2d at 1260–61 (a district court may dismiss an action for failure to comply with any order of the Court).

(1) Plaintiff's Application to Proceed In Forma Pauperis (Doc. 2) is **granted**.

(3) The Complaint (Doc. 1) is **dismissed** for failure to state a claim. Plaintiff has 30 days from the date this Order is filed to file a first amended complaint in compliance with this Order.

(5) The Clerk of Court must mail Plaintiff a court-approved form for filing a civil complaint by a prisoner.

Dated this 13th day of March, 2025.


James A. Teilborg
Senior United States District Judge

**Instructions for a Prisoner Filing a Civil Rights Complaint
in the United States District Court for the District of Arizona**

1. Who May Use This Form. The civil rights complaint form is designed to help incarcerated persons prepare a complaint seeking relief for a violation of their federal civil rights. These complaints typically concern, but are not limited to, conditions of confinement. **This form should not be used to challenge your conviction or sentence.** If you want to challenge a state conviction or sentence, you should file a petition under 28 U.S.C. § 2254 for a writ of habeas corpus by a person in state custody. If you want to challenge a federal conviction or sentence, you should file a motion under 28 U.S.C. § 2255 to vacate sentence in the federal court that entered the judgment.
2. The Form. **Local Rule of Civil Procedure (LRCiv) 3.4 provides that complaints by incarcerated persons must be filed on the court-approved form.** The form must be typed or neatly handwritten. The form must be completely filled in to the extent applicable. All questions must be answered clearly and concisely in the appropriate space on the form. If needed, you may attach additional pages, **but no more than fifteen additional pages**, of standard letter-sized paper. You must identify which part of the complaint is being continued and number all pages. If you do not fill out the form properly, you will be asked to submit additional or corrected information, which may delay the processing of your action. You do not need to cite law.
3. Your Signature. You must tell the truth and sign the form. If you make a false statement of a material fact, you may be prosecuted for perjury.
4. The Filing and Administrative Fees. The total fees for this action are \$405.00 (\$350.00 filing fee plus \$55.00 administrative fee). If you are unable to immediately pay the fees, you may request leave to proceed in forma pauperis. Please review the “Information for Prisoners Seeking Leave to Proceed with a (Non-Habeas) Civil Action in Federal Court In Forma Pauperis Pursuant to 28 U.S.C. § 1915” for additional instructions.
5. Original and Judge’s Copy. You must send an **original plus one copy** of your complaint and of any other documents submitted to the Court. You must send one additional copy to the Court if you wish to have a file-stamped copy of the document returned to you. All copies must be identical to the original. Copies may be legibly handwritten. **This section does not apply to inmates housed at an Arizona Department of Corrections facility that participates in electronic filing.**
6. Where to File. You should file your complaint in the division **where you were confined when your rights were allegedly violated.** See LRCiv 5.1(a) and 77.1(a). If you were confined in Maricopa, Pinal, Yuma, La Paz, or Gila County, file in the Phoenix Division. If you were confined in Apache, Navajo, Coconino, Mohave, or Yavapai County, file in the Prescott Division. If you were confined in Pima, Cochise, Santa Cruz, Graham, or Greenlee County, file in the Tucson Division. **Unless you are an inmate housed at an Arizona Department of Corrections facility that participates in electronic filing, mail the original and one copy of the complaint with the \$405 filing and administrative fees or the application to proceed in forma pauperis to:**

Phoenix & Prescott Divisions:
U.S. District Court Clerk
U.S. Courthouse, Suite 130
401 West Washington Street, SPC 10
Phoenix, Arizona 85003-2119

OR

Tucson Division:
U.S. District Court Clerk
U.S. Courthouse, Suite 1500
405 West Congress Street
Tucson, Arizona 85701-5010

7. Change of Address. You must immediately notify the Court and the defendants in writing of any change in your mailing address. **Failure to notify the Court of any change in your mailing address may result in the dismissal of your case.**

8. Certificate of Service. You must furnish the defendants with a copy of any document you submit to the Court (except the initial complaint and application to proceed in forma pauperis). Each original document (except the initial complaint and application to proceed in forma pauperis) must include a certificate of service on the last page of the document stating the date a copy of the document was mailed to the defendants and the address to which it was mailed. *See Fed. R. Civ. P. 5(a), (d).* Any document received by the Court that does not include a certificate of service may be stricken. **This section does not apply to inmates housed at an Arizona Department of Corrections facility that participates in electronic filing.**

A certificate of service should be in the following form:

I hereby certify that a copy of the foregoing document was mailed
this _____ (month, day, year) to:

Name: _____

Address: _____

Attorney for Defendant(s)

(Signature)

9. Amended Complaint. If you need to change any of the information in the initial complaint, you must file an amended complaint. The amended complaint must be written on the court-approved civil rights complaint form. You may file one amended complaint without leave (permission) of Court within 21 days after serving it or within 21 days after any defendant has filed an answer, whichever is earlier. *See Fed. R. Civ. P. 15(a).* Thereafter, you must file a motion for leave to amend and lodge (submit) a proposed amended complaint. LRCiv 15.1. In addition, an amended complaint may not incorporate by reference any part of your prior complaint. LRCiv 15.1(a)(2). **Any allegations or defendants not included in the amended complaint are considered dismissed.** All amended complaints are subject to screening under the Prison Litigation Reform Act; screening your amendment will take additional processing time.

10. Exhibits. You should not submit exhibits with the complaint or amended complaint. Instead, the relevant information should be paraphrased. You should keep the exhibits to use to support or oppose a motion to dismiss, a motion for summary judgment, or at trial.

11. Letters and Motions. It is generally inappropriate to write a letter to any judge or the staff of any judge. The only appropriate way to communicate with the Court is by filing a written pleading or motion.

12. Completing the Civil Rights Complaint Form.

HEADING:

1. Your Name. Print your name, prison or inmate number, and institutional mailing address on the lines provided.
2. Defendants. If there are **four or fewer** defendants, print the name of each. If you name **more than four** defendants, print the name of the first defendant on the first line, write the words “and others” on the second line, and attach an additional page listing the names of **all** of the defendants. Insert the additional page after page 1 and number it “1-A” at the bottom.
3. Jury Demand. If you want a jury trial, you must write “JURY TRIAL DEMANDED” in the space below “CIVIL RIGHTS COMPLAINT BY A PRISONER.” Failure to do so may result in the loss of the right to a jury trial. A jury trial is not available if you are seeking only injunctive relief.

Part A. JURISDICTION:

1. Nature of Suit. Mark whether you are filing the complaint pursuant to 42 U.S.C. § 1983 for state, county, or city defendants; “*Bivens v. Six Unknown Federal Narcotics Agents*” for federal defendants; or “other.” If you mark “other,” identify the source of that authority.
2. Location. Identify the institution and city where the alleged violation of your rights occurred.
3. Defendants. Print all of the requested information about each of the defendants in the spaces provided. If you are naming more than four defendants, you must provide the necessary information about each additional defendant on separate pages labeled “2-A,” “2-B,” etc., at the bottom. Insert the additional page(s) immediately behind page 2.

Part B. PREVIOUS LAWSUITS:

You must identify any other lawsuit you have filed in either state or federal court while you were a prisoner. Print all of the requested information about each lawsuit in the spaces provided. If you have filed more than three lawsuits, you must provide the necessary information about each additional lawsuit on a separate page. Label the page(s) as “2-A,” “2-B,” etc., at the bottom of the page and insert the additional page(s) immediately behind page 2.

Part C. CAUSE OF ACTION:

You must identify what rights each defendant violated. The form provides space to allege three separate counts (**one violation per count**). If you are alleging more than three counts, you must provide the necessary information about each additional count on a separate page. Number the additional pages “5-A,” “5-B,” etc., and insert them immediately behind page 5. Remember that you are limited to a total of fifteen additional pages.

1. Counts. You must identify which civil right was violated. **You may allege the violation of only one civil right per count.**
2. Issue Involved. Check the box that most closely identifies the issue involved in your claim. **You may check only one box per count.** If you check the box marked “Other,” you must identify the specific issue involved.
3. Supporting Facts. After you have identified which civil right was violated, you must state the supporting facts. Be as specific as possible. You must state what each individual defendant did to violate your rights. If there is more than one defendant, you must identify which defendant did what act. You also should state the date(s) on which the act(s) occurred, if possible.
4. Injury. State precisely how you were injured by the alleged violation of your rights.
5. Administrative Remedies. You must exhaust any available administrative remedies before you file a civil rights complaint. *See* 42 U.S.C. § 1997e. Consequently, you should disclose whether you have exhausted the inmate grievance procedures or administrative appeals for each count in your complaint. If the grievance procedures were not available for any of your counts, fully explain why on the lines provided.

Part D. REQUEST FOR RELIEF:

Print the relief you are seeking in the space provided.

SIGNATURE:

You must sign your name and print the date you signed the complaint. Failure to sign the complaint will delay the processing of your action. Unless you are an attorney, you may not bring an action on behalf of anyone but yourself.

FINAL NOTE

You should follow these instructions carefully. Failure to do so may result in your complaint being stricken or dismissed. All questions must be answered concisely in the proper space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number the pages.

Name and Prisoner/Booking Number

Place of Confinement

Mailing Address

City, State, Zip Code

(Failure to notify the Court of your change of address may result in dismissal of this action.)

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

_____,
(Full Name of Plaintiff)

Plaintiff,

v.

(1) _____,
(Full Name of Defendant)

(2) _____,

(3) _____,

(4) _____,

Defendant(s).

☐ Check if there are additional Defendants and attach page 1-A listing them.

CASE NO. _____
(To be supplied by the Clerk)

**CIVIL RIGHTS COMPLAINT
BY A PRISONER**

- ☐ Original Complaint
☐ First Amended Complaint
☐ Second Amended Complaint

A. JURISDICTION

1. This Court has jurisdiction over this action pursuant to:

☐ 28 U.S.C. § 1343(a); 42 U.S.C. § 1983

☐ 28 U.S.C. § 1331; *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971).

☐ Other: _____.

2. Institution/city where violation occurred: _____.

B. DEFENDANTS

1. Name of first Defendant: _____. The first Defendant is employed as: _____ at _____.
(Position and Title) (Institution)
2. Name of second Defendant: _____. The second Defendant is employed as: _____ at _____.
(Position and Title) (Institution)
3. Name of third Defendant: _____. The third Defendant is employed as: _____ at _____.
(Position and Title) (Institution)
4. Name of fourth Defendant: _____. The fourth Defendant is employed as: _____ at _____.
(Position and Title) (Institution)

If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.

C. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? ☐ Yes ☐ No
2. If yes, how many lawsuits have you filed? _____. Describe the previous lawsuits:
 - a. First prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____
 - b. Second prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____
 - c. Third prior lawsuit:
 1. Parties: _____ v. _____
 2. Court and case number: _____
 3. Result: (Was the case dismissed? Was it appealed? Is it still pending?) _____

If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.

D. CAUSE OF ACTION

COUNT I

- [illegible]

COUNT II

1. State the constitutional or other federal civil right that was violated: _____
_____.

2. **Count II.** Identify the issue involved. Check **only one**. State additional issues in separate counts.
- | | | | |
|--|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____ | |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count II. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

- ## 5. Administrative Remedies.

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☐ Yes ☐ No
- b. Did you submit a request for administrative relief on Count II? ☐ Yes ☐ No
- c. Did you appeal your request for relief on Count II to the highest level? ☐ Yes ☐ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not.

COUNT III

1. State the constitutional or other federal civil right that was violated: _____
_____.

2. **Count III.** Identify the issue involved. Check **only one**. State additional issues in separate counts.
- | | | | |
|--|---|---|---------------------------------------|
| <input type="checkbox"/> Basic necessities | <input type="checkbox"/> Mail | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Medical care |
| <input type="checkbox"/> Disciplinary proceedings | <input type="checkbox"/> Property | <input type="checkbox"/> Exercise of religion | <input type="checkbox"/> Retaliation |
| <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety | <input type="checkbox"/> Other: _____ | |

3. **Supporting Facts.** State as briefly as possible the FACTS supporting Count III. Describe exactly what **each Defendant** did or did not do that violated your rights. State the facts clearly in your own words without citing legal authority or arguments.

4. **Injury.** State how you were injured by the actions or inactions of the Defendant(s).

- ## 5. Administrative Remedies.

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☐ Yes ☐ No
- b. Did you submit a request for administrative relief on Count III? ☐ Yes ☐ No
- c. Did you appeal your request for relief on Count III to the highest level? ☐ Yes ☐ No
- d. If you did not submit or appeal a request for administrative relief at any level, briefly explain why you did not. _____

If you assert more than three Counts, answer the questions listed above for each additional Count on a separate page.

E. REQUEST FOR RELIEF

State the relief you are seeking:

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____
DATE

SIGNATURE OF PLAINTIFF

(Name and title of paralegal, legal assistant, or
other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

ADDITIONAL PAGES

All questions must be answered concisely in the proper space on the form. If you need more space, you may attach no more than fifteen additional pages. But the form must be completely filled in to the extent applicable. If you attach additional pages, be sure to identify which section of the complaint is being continued and number all pages.